

1 **Sec. 30.1251 Special Uses: Authorization Required**

2
3 (a) The following special uses may be authorized by the City Council by special use permit:
4

Special Use	District Allowed
Accessory building with a home occupation	R-1, R-1R, R-1C, R-2
Accessory food sales	GOV, C-2, C-3
Alcohol beverages sold in a restaurant for on premise consumption	C-2, C-3
Alcohol beverages sold in grocery for off premise consumption	C-2, C-3
Beer and wine sold in a retail store for off-premise consumption	C-2, C-3
Day Care Facility	C2
Event Center requiring TABC license or permit for premises	C2, C3
Farmers/Artisan Market	GOV, C-2, C-3
Research, development, or clinical laboratory	C-3
Veterinary Services	C-3
Medical related professional Office	C-2, C-3
Occasional Event Center Small Group	R-1

5
6
7 (b) Permit Required. No special use shall be established, operated, or maintained except as
8 authorized by a Special Use Permit issued in accordance with the requirements of this section.
9

10 (c) Special Use Permit Issued by City Council. A Special Use Permit may be issued only for the
11 special uses specified in this Section, and only for the district where it is authorized. A
12 Special Use Permit may be issued by the City Council acting after a public hearing in
13 accordance with **Section 30.136** of this Code and a recommendation on the proposed use from
14 the Zoning Commission in accordance with this section.
15

16 (d) Application. An application for a Special Use Permit shall be made in writing in a form
17 prescribed by the City Council and shall be accompanied by (1) a non-refundable fee as set
18 forth by ordinance or resolution of the City Council and (2) such information as may be
19 required (including a site plan) in order to properly review the proposed use. Such
20 information may include, but is not limited to, site and building plans, drawings and
21 elevations, and operational data including if necessary a traffic study.
22

23 (e) Report by City Inspector. The City appointed designate shall visit the site of the proposed
24 special use and the surrounding area and shall prepare findings to be delivered to the members
25 of the Zoning Commission and to the City Council at least one (1) week prior to the public
26 hearing date as set forth in **Section 30.130(c).**
27

28 (f) Notice--Public Hearing by Zoning Commission. The Commission shall hold a public hearing
29 on each application for a Special Use Permit in accordance with the procedures in **Section**
30 **30.130 (c).**

31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59

60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81

(g) Review and Recommendation by the Zoning Commission.

- (1) The Commission shall review the application for a Special Use Permit to determine whether the proposed special use complies with each of the general criteria in **Section 30.1253**, and with each of the specific criteria in **Section 30.1253** applicable to the proposed use, and shall make a separate finding thereon for each criterion.
- (2) The Commission shall not recommend approval of an application unless it finds that the proposed special use as presented or as modified by the Commission complies with each of the general and applicable specific criteria.
- (3) A recommendation of approval may be conditioned on the applicant's adoption of specified changes, additions, limitations, safeguards, or effective time periods designed to assure compliance with the criteria and to protect the public health, safety and welfare of the surrounding properties and the City as a whole.
- (4) For sites where the applicant owns the improvements and the improvements do not comply with current development standards, the application for a Special Use Permit shall depict all improvements proposed to bring the site into conformance with all zoning regulations in effect at the time of application submittal. If compliance with zoning regulations at the time of application submittal is not feasible, the Special Use Permit may be recommended for approval by the Zoning Commission conditioned upon the applicant receiving a variance from the Board of Adjustment.
- (5) The Commission shall forward its findings and recommendations to the City Council in writing.

(h) Hearing before City Council. The City Council shall review an application for a Special Use Permit at a public hearing in accordance with the procedures in **Section 30.130 (c)** after receiving findings and a recommendation from the Zoning Commission.

(i) Review and Action by City Council.

- (1) The City Council shall determine whether the proposed special use complies with each of the general criteria in Section **Sec. 30.1252** and with each of the special criteria in Section **Sec. 30.1253** applicable to the proposed use and shall make separate findings thereon or adopt the findings made by the Commission.
- (2) The City Council may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards, or effective time periods designed to assure compliance with the criteria and to protect the public health, safety and welfare of the surrounding properties and the City as a whole.
- (3) The City Council shall not grant a Special Use Permit unless it finds that the proposed special use, as presented or as modified by the Council, complies with each of the applicable general and specific criteria. If the application meets all criteria, the Council shall approve the application.

82 (j) Temporary Special Use Permit. A Temporary Special Use Permit may be granted by the City
83 Council on the terms and conditions determined by the City Council for a period not to exceed
84 thirty (30) consecutive calendar days. An Applicant for a Temporary Special Use permit shall
85 submit an application to the City setting forth the location and all terms of the proposed use,
86 accompanied by written approval of the owner of the property on which the use is proposed.
87 The procedures for public notice and hearing in **Section 30.130 (c)** do not apply to Temporary
88 Special Use Permits. Applications by charitable organizations, residents for a Temporary
89 Special Use Permit to operate a carnival or other amusement activity may be granted for a
90 period not to exceed fourteen (14) consecutive calendar days on the terms and conditions
91 approved by the City Council.
92

93

94 **Sec. 30.1252 General Criteria Applicable to All Special Uses and Temporary Special Uses**

95

96 A proposed Special Use or Temporary Special Use must comply with the following criteria:

97

98 (a) The appearance, size, density and operating characteristics of the proposed special use are
99 subject to the Effective Compatibility and Buffering Standards set forth in Section **Sec.**
100 **30.103; 30.109; and 30.110.**

101

102 (b) The proposed use will not have an adverse effect on the value of surrounding properties nor
103 impede their property development;

104

105 (c) The proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's
106 enjoyment of his property or operation of his business;

107

108 (d) The traffic that the proposed use can reasonably be expected to generate on existing streets
109 will not create nor add significantly to congestion, a safety hazard, or a parking problem in the
110 area, nor will it disturb the peace and quiet of the neighborhood; and

111

112 (e) The proposed use complies with all other applicable provisions of this Code and other
113 ordinances and regulations.

114

115 **Sec. 30.1253 Specific Criteria Applicable to Individual Special Uses and Temporary Special Uses**

116

117 (a) Alcoholic Beverages Sold in a Restaurant for On-Premise Consumption. A proposal to sell
118 alcoholic beverages in a restaurant for on premise consumption must comply with the
119 following specific criteria and conditions, as well as the foregoing general criteria:

120

121 (1) The restaurant where the alcoholic beverage is proposed to be sold is not located
122 within three hundred feet (300') of a church or school as measured by State law;

123

124 (2) The restaurant where the alcoholic beverage is proposed to be sold is not located on
125 property, two or more sides of which abut property in a residential zoning district;

126

127 (3) The gross receipts derived from the sale of alcoholic beverages shall not exceed forty
128 percent (40%) of the gross receipts derived from the sale of food;

129

130 (4) The permit shall be reviewed administratively and renewed upon evidence that a
131 Texas Alcoholic Beverage Commission permit has been reissued; and
132

133 (5) Additional fees are to be collected after three (3) years operation in accordance with
134 the Texas Alcoholic Beverage Commission permit rules.

135
136 (6) The City Administrator may cancel a retailer's original or renewal permit or retail
137 dealer's on premise license and may refuse to issue any new alcoholic beverage permit
138 or license for the same premises for one year after the date of cancellation if

139
140 (A) the Sheriff of the County in which the premises are located has submitted a
141 sworn statement to the City Administrator stating specific allegations that the
142 place or manner in which the permittee or licensee conducts its business
143 endangers the general welfare, health, peace, morals, or safety of the community
144 and further stating that there is a reasonable likelihood that such conduct would
145 continue at the same location under another licensee or permittee; and

146
147 (B) the City Administrator finds, after notice and hearing within the county where the
148 premises are located, that the place or manner in which the permittee or licensee
149 conducts its business endangers the general welfare, health, peace, morals, or
150 safety of the community and that there is a reasonable likelihood that such
151 conduct would continue at the same location under another licensee or permittee.
152

153

154 (b) Alcoholic Beverages Sold in Grocery Stores for Off-Premise Consumption

155
156 (1) The grocery store where the alcoholic beverage is proposed to be sold is not located
157 within three hundred feet (300') of a church or school;

158
159 (2) The grocery store where the alcoholic beverage is proposed to be sold is not located on
160 property, two or more sides of which abut property in a residential zoning district;
161 Additional fees are to be collected after three (3) years operation in accordance with the
162 Texas Alcoholic Beverage Commission permit rules;

163
164 (3) Additional fees are to be collected after three (3) years operation in accordance with the
165 Texas Alcoholic Beverage Commission permit rules;

166
167
168 (4) The City Administrator may cancel a retailer's original or renewal permit or retail dealer's
169 on premise license and may refuse to issue any new alcoholic beverage permit or license
170 for the same premises for one year after the date of cancellation if

171
172 (A) the Chief of Police of the City or the Sheriff of the County in which the premises
173 are located has submitted a sworn statement to the City Administrator stating
174 specific allegations that the place or manner in which the permittee or licensee
175 conducts its business endangers the general welfare, health, peace, morals, or
176 safety of the community and further stating that there is a reasonable likelihood
177 that such conduct would continue at the same location under another licensee or
178 permittee; and

179
180 (B) the City Administrator finds, after notice and hearing within the county where the
181 premises are located, that the place or manner in which the permittee or licensee
182 conducts its business endangers the general welfare, health, peace, morals, or
183 safety of the community and that there is a reasonable likelihood that such
184 conduct would continue at the same location under another licensee or permittee.

185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228

(c) Accessory Food Sales. In addition to the general criteria applicable to all special uses, a special use for Accessory Food Sales shall be operated and maintained in accordance with the following conditions and limitations:

- (1) Accessory food sales shall occur in a structure, whether mobile or otherwise, in an area not exceeding 150 square feet.
- (2) The special use shall be operated either by the owner or lessee of improved property on which the special use is located, or pursuant to a written agreement with such owner or lessee.
- (3) The structure housing the special use shall not be located on any roadway or fire lane. The special use shall not be located so as to impede pedestrian traffic on any sidewalk.
- (4) A permit for accessory food sales shall expire in the event that the retail establishment to which such special use is an accessory discontinues its business on the property.
- (5) The operator of the special use shall at all times hold current certificates, permits and/or licenses required by the Travis County Health Department and any other agency of the State of Texas for operation of the food service establishment operated pursuant to the special use.
- (6) No signs advertising any aspect of the special use shall be displayed except as attached to and confined to the surface area of the walls of the structure housing the special use.
- (7) No goods or services shall be provided other than the sale of food and items incidental thereto, such as napkins and eating utensils. Sufficient signs, recyclable containers, and trash receptacles shall be provided by the operator of the special use to control and prevent litter incident to the special use.
- (8) Authorization for accessory food sales pursuant to this Division shall be for a period not to exceed six (6) months. Renewal periods for such authorization not to exceed six (6) months may be granted not later than the expiration of the previous authorization at the discretion of the City Administrative Assistant provided the applicant has not received more than two (2) validated warnings prior thereto regarding the special use. A twenty-five (\$25.00) dollar administrative fee shall be paid for all administrative renewal authorizations. In the event the City receives a verbal or written complaint regarding the special use, a staff person or designee will investigate the complaint in a timely manner to determine its validity. Administrative staff shall record the name, address, phone number, date and time that verbal complaints are registered. In the event the complaint is validated, the applicant shall receive a written warning with instructions to correct the violation. If the violation has not been corrected within fifteen (15) days after receipt of the second warning issued by the City, the Special Use Permit shall be revoked.

229
230
231
232
233
234
235
236

(d) Display of Oversized Merchandise. In addition to the general criteria applicable to all special uses, a special use for display of oversized merchandise shall be operated and maintained in accordance with the following conditions and limitations:

- (1) This subsection applies only to oversized merchandise offered for sale to the general public, which is too large to be conveniently stored and displayed inside the facility out of which sales are made.

- 237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
- (2) Oversized merchandise shall be stored adjacent to the main facility out of which such oversized merchandise is sold. The display area shall be equipped with overhead sprinklers for protection against fire in the display area.
 - (3) No more than 20% of the frontage of the main facility may be used for display of oversized merchandise.
 - (4) Use of a display area permitted shall not impede pedestrian traffic on any sidewalks. The display area shall not include any part of a road, street, thoroughfare, fire lane or parking area used by motor vehicles.
 - (5) The display area proposed to be used and the items proposed to be displayed shall be designated in an application for this special use. Each such designation shall be subject to approval of the City Council.

253 (e) Alcoholic beverages Sold in a Retail Establishment for Off-Premise Consumption. A proposal to
254 sell alcoholic beverages in a retail establishment for off-premise consumption must comply with the
255 following specific criteria and conditions, as well as the foregoing general criteria:
256

- 257
258
259
260
261
262
263
264
265
266
267
268
269
270
- (1) The sale of alcoholic beverages shall be restricted to beer and wine;
 - (2) The retail establishment where the alcoholic beverage is proposed to be sold is a minimum of 10,000 square feet and the total display or shelf space devoted to the sale of beer and wine does not exceed ten percent (10%) of the total display or shelf space devoted to other retail sales;
 - (3) The retail establishment where the alcoholic beverage is proposed to be sold is not located within three hundred (300') feet of a church or school as measured by State law;
 - (4) The retail establishment where the alcoholic beverage is proposed to be sold is not located on property, two or more sides of which abut property in a residential zoning district;
 - (5) The gross receipts derived from the sale of beer and wine shall not exceed forty percent (40%) of the gross receipts derived from the sale of other retail products;
 - (6) The permit shall be reviewed administratively and renewed upon evidence that a Texas Alcoholic Beverage Commission permit has been reissued;
 - (7) Additional fees are to be collected after three (3) years operation in accordance with the Texas Alcoholic Beverage Commission permit rules;
 - (8) The **City Administrator** may cancel an original or renewal wine and beer retailer's permit or retail dealer's on premise license and may refuse to issue any new alcoholic beverage permit or license for the same premises for one year after the date of cancellation if:
 - (A) the Sheriff of the County in which the premises are located has submitted a sworn statement to the City Administrator stating specific allegations that the place or manner in which the permittee or licensee conducts its business endangers the general welfare, health, peace, morals, or safety of the
- 271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287

288 community and further stating that there is a reasonable likelihood that
289 such conduct would continue at the same location under another licensee or
290 permittee; and

291
292 (B) the City Administrator finds, after notice and hearing within the county
293 where the premises are located, that the place or manner in which the
294 permittee or licensee conducts its business endangers the general welfare,
295 health, peace, morals, or safety of the community and that there is a
296 reasonable likelihood that such conduct would continue at the same
297 location under another licensee or permittee.
298

299 (f) Farmer's/Artisan Market: A proposal to sell goods, wares, merchandise, produce, or
300 products on part of a public street, sidewalk, or alley, other public lands, or on private
301 property.

302 (1) Definitions. For purposes of this subsection, unless the context otherwise indicates, the
303 following terms have the following meanings.

304 A. "Artist/Artisan" means any individual who displays or offers for sale his or
305 her own handcrafted items.

306 B. "Farm and Food Products" means any agricultural, horticultural, forest or
307 other product of the soil or water, including, but not limited to, fruits,
308 vegetables, eggs, dairy products, meat and meat products, poultry and
309 poultry products, fish and fish products, grain and grain products, honey,
310 nuts, maple products, apple cider, fruit juice, wine, ornamental or vegetable
311 plants. This term does not include live animals.

312 C. "Farmer/Grower" means a person whose produce or plants are
313 organically, sustainably or naturally grown and grown within the defined
314 local area. Organically grown produce must be certified by the State of
315 Texas.
316

317 D. "Farmer's/Artisan Market" means a building, structure or location at
318 which a group of two (2) or more farmers or artisans or a combination
319 thereof, from a defined local area who directly sell to the public farm and
320 food products, either primary or secondary producer food specialty items,
321 handcrafted items, goods or wares, and/or natural flowers and plants at
322 which eighty (80%) percent of itinerant vendors must have grown, reared,
323 caught, brewed, pickled, baked, smoked or processed the goods themselves.
324

325 E. "Food Specialty Items" means baked goods, jams, jellies, large-portion
326 prepackaged products, spices, condiments, cheeses, meats, seafood and
327 pasta. Food specialty items may or may not be intended for immediate
328 consumption on premises.
329

330 F. "Handcrafted Items" means non-machine made objects, displaying a
331 degree of manual skill or dexterity, and include, but are not limited to,
332 leather goods, wood carving, beadwork, basketry, pottery and jewelry, hand
333 woven cloth and blankets and objects made there from. Such items may
334 include elements of new materials or machine-made parts, provided that no
335 object which is primarily mass produced or machine-made and assembled
336 from a kit shall be considered to be handcrafted. Clothes and craft items
337 sewn with a machine shall be considered handcrafted items.
338

- 339 G. **“Itinerant Vendor”** means any local farmer, grower, producer, person or
 340 artisan with no established business location within the geographical
 341 boundaries of the City who is associated with a Permit Holder that has been
 342 issued a Farmers/Artisan Market Special Use Permit. This term excludes
 343 any business within the City related to a Home Occupation **Permit**
- 344 H. **“Local Area”** means within the borders of the State of Texas provided no
 345 suitable product from a primary producer, farmer, artisan or grower is
 346 available within a radius of 150 miles from the City limits.
- 347
- 348 I. **“Machine-Made”** means the producing or reproducing of an item in mass
 349 production by mechanically stamping, casting, blanking and weaving,
 350 except beads.
- 351
- 352 J. **“Natural Flowers/Natural Plant/Natural Produce”** means propagated by
 353 seeds or cultivated by budding, grafting, layering, or other nursery
 354 techniques. The term “natural” excludes any produce/plants that have been
 355 irradiated, grown using pesticides, herbicides or chemical fertilizers, and is
 356 hormone free.
- 357
- 358 K. **“Producer, Primary”** means all produce grown, reared or caught on the
 359 producer’s land within the defined local area. For domesticated livestock or
 360 plants this means grown or finished (having spent at least 50% of its life) on
 361 the producer's land. For fish and other seafood this means caught from either
 362 inshore waters within the local area or offshore waters along the Texas
 363 coastline.
- 364
- 365 L. **“Producer, Secondary”** means all produce must be brewed, pickled, baked,
 366 smoked or processed by the itinerant vendor using at least one ingredient of
 367 origin from within the defined local area (not merely bought locally). The
 368 minimum local ingredient is 10% of each product. Receipts should be kept
 369 as proof of origin for inspection.
- 370
- 371 M. **“Permit Holder”** means an individual or representative of an organization
 372 that represents a group of small scale itinerant vendors that come together
 373 on an occasional or temporary basis as a collaborative group.
- 374
- 375 N. **“Sustainably Grown”** means produce or plants that adhere to an agriculture
 376 that promotes self-reliance, resource conservation, and viability to both the
 377 natural environment and the parties involved. Sustainable agriculture
 378 incorporates the principles of organic farming although it does not need to
 379 be organically certified.
- 380

381 (2) Review of Effects

382

383 Before approving a special use permit allowing a Farmer’s/Artisan Market, the City
 384 Zoning Commission and City Council shall consider the following:

385

- 386 A. Pedestrian and motor vehicle safety at and surrounding the proposed market;
- 387 B. The effect of anticipated pedestrian and motor vehicle traffic on adjoining
 388 streets and sidewalks;
- 389 C. The Compatibility of adjacent zoning;

390 D. Cultural, sociological, economic, traditional, or historical influences that
391 create or support placement of the proposed market;

392 E. Availability of existing market space in the area; and

393 F. Public health, safety and welfare.

394 (3) Permanent Use Not Created: No Abandonment or Vacation

395 The approval of a Special Use Permit establishing a Farmer's/Artisan Market does not
396 create a permanent right to use, or is not to be construed to authorize abandonment or
397 vacation of a public street, sidewalk, or alley.

398 (4) Application Requirements

399 A. An application under this section shall include:

400
401 (1) The Permit Holder's name, including the organization name, mailing
402 address, phone number, and email address.

403 (2) A list of all itinerant vendors, including state sales tax permit number,
404 if applicable, or exemption certificate.

405 (3) A description of the merchandise intended for sale and a statement
406 that the merchandise offered for sale has been created or produced by
407 the itinerant vendor.

408 (4) A written schedule showing the days and hours of operation

409 (5) The exact limits or boundaries of the market.

410 (6) The proposed closure of any public street, sidewalk, or alley.

411 (7) A statement from the permit holder that the organization will not
412 discriminate against itinerant vendors based on race, religion, sex,
413 national origin, sexual orientation, age or disability.

414
415 B. Two applicants may file a joint application if both applicants are engaged in
416 a joint business venture and complete the application form and provide the
417 information required in Subsection A for both applicants.

418
419 (5) Conditions of Operation.

420
421 A. The Permit Holder shall be responsible for insuring the following conditions
422 of operation are adhered to:

423
424 1. That all itinerant vendors have individual licenses and certificates
425 as promulgated by the state and/or health department. For the
426 purpose of health permits only, Farmers Market may be defined as
427 a temporary event. A Temporary event permit may be issued for
428 the event and such permit may run for up to fourteen consecutive
429 Saturdays.

430 2. The location of vendor spaces shall have provision for access and
431 shall be divided in such a way to ensure movement and safety
432 between the vendors.

433 3. The location of vendor spaces shall not hinder or impede
434 pedestrian flow on any sidewalk or traffic flow on any roadway
435 adjacent to the Farmer's/Artisan Market.

- 436 4. The vendor's-current sales tax permit is available on site for
437 inspection at all times of operation.
- 438 5. All supplies and storage shall be kept in a neat and orderly fashion
439 within the vendor's space.
- 440 6. Portraits offered for sale that are created on site by the portrait
441 artist while the subject poses. Portrait artists may sell mailing
442 tubes, protective frames, mats or glass as part of the sale.
- 443 7. Works such as sculpture or paintings, drawings, prints, or
444 photographs and all other two (2) dimensional works of art are
445 originals or high quality reproductions of the artist's work,
446 consecutively numbered, signed or stamped by the artist. Quality
447 reproductions of two (2) dimensional works are acceptable if hand
448 enhanced.
- 449 8. All vendors offer for sale only the type of product as listed on the
450 statements submitted to the City Administrator unless other
451 products are reviewed and approved by the City Administrator for
452 compliance with this Special Use Permit.
- 453 9. A vendor may not claim use of or occupy a vendor space except
454 during the time the Farmer's/Artisan Market is authorized to
455 operate.
- 456 10. Any spaces in the Farmer's/Artisan Market reserved for use by an
457 organization promoting public awareness, or not-for-profit
458 fundraising, shall not be counted towards the 20% of itinerant
459 vendors who do not have to grow, rear, catch, brew, pickle, bake,
460 smoke or process the goods themselves.
- 461 B. An employee of the City or another governmental entity may inspect a
462 license during operation of a Farmer's/Artisan Market.
- 463 C. An employee of the City, designee or another governmental entity may
464 inspect a vendor space and merchandise displayed, offered for sale, or sold at
465 a Farmer's/Artisan Market.
- 466 (6) Hours of Operation/Parking on Streets
- 467 A. The Farmer's/Artisan Market shall only operate between the hours of 8:00
468 a.m. to 6:00 p.m. on either a Saturday or Sunday of each week. The City may
469 also request vendors to cease operation due to security reasons or in the event
470 of an emergency.
- 471 B. Vehicle parking on streets surrounding the Farmer's/Artisan Market for the
472 setup or tear down of vendor displays or deliveries shall not be parked longer
473 than twenty (20) minutes on streets open to traffic.
- 474
- 475
- 476 (7) License Term and Renewal
- 477 A. All permits issued under this Section are valid for a term of one year from date of
478 issuance.
- 479 B. All permits issued under this Section are non-transferable and a separate permit is
480 required for each farmer's/*artisan* market area.
- 481 C. All permits shall not automatically be renewed.
- 482 1. Persons who hold permits may submit applications for additional
483 one year terms.

484 2. The City Administrator may approve a renewal application
485 provided the applicant has not been found to have violated the
486 terms of the permit.
487

488 (8) License Revocation
489

- 490 A. The **City Administrator** may revoke or suspend a license issued under
491 this Section for good cause, a violation of this Section, or a public offense
492 or violation by the applicant, sponsor, or vendor relating to the sale of
493 merchandise at the Farmer's/Artisan Market.
494
495 B. The holder of a permit that has been revoked may not apply for a new permit
496 for one year from the date of revocation, unless the revocation is overturned
497 on appeal.
498
499 C. An applicant or permit holder aggrieved by a decision by the City
500 Administrator to grant or deny an application, or revoke a permit may appeal
501 the decision to the City Council.
502
503 D. A person may file an appeal in writing with the City Administrator not later
504 than fifteen (15) days from the date of a decision. The appeal under this
505 section shall describe the action appealed from and reason for the appeal.
506
507 E. The City Council shall hold a hearing not later than the 45th day after an
508 appeal is filed. The appellant shall have the right to present witnesses and
509 testimony at such hearing.
510
511 F. The City Council may uphold, reverse, or modify a decision by the City
512 Administrator.
513
514 G. A Special Use Permit may be revoked for giving any false, misleading, or
515 fraudulent statements made in connection with or on the permit application.
516

517 (9) Enforcement.
518

- 519 A. The city shall inspect all displays at least monthly to confirm compliance
520 with this Section and any applicable laws. Upon determining that the Permit
521 Holder is in violation of any provision of this section, the City may suspend
522 or revoke the license.
523
524 B. The City shall investigate complaints alleging violation of this Section
525 provided that the complaint is in written form and signed by the complainant
including the telephone number and address.
526
527 C. The City has the authority to physically take any product, produce, or items
528 for sale by the vendor into custody for examination and investigation of
529 compliance with this Section, provided that such taking shall be only for a
530 reasonable period of time not to exceed thirty (30) calendar days. The City
531 has the authority to require that a vendor demonstrate the creation of the
532 wares at any time after issuance of the permit, in order to determine if the
533 vendor is in compliance with this Section. If destructive testing makes the
534 return of the item impossible, the City shall purchase the item from the
535 vendor.

536 D. If any vendor is not in compliance with this Section the Permit Holder shall
537 be notified in writing of the violation and shall have seven (7) calendar days
538 to come into compliance or the permit shall be suspended until the violation
539 is cured, provided however, that if the violation is a health or safety
540 violation, then the violation must be cured immediately.

541 (10) Prohibitions

542 The following acts are prohibited.

543 A. A person may not use the term “farmer’s/artisan market” to describe a
544 market or other sales location that does not meet the terms of the definition
545 set forth in the definitions for this subsection.

546 B. An itinerant vendor may not sell farm and food products, handcrafted items,
547 or food specialty items at a market labeled “farmer’s/artisan market” unless
548 at least 75% of the product offered by that person was grown or processed by
549 that person or under that person’s direction. A product not grown or
550 processed by that person must have been purchased directly from another
551 farmer.

552 (11) Penalty

553 A. Any person violating any provision of this section of the Code regulating
554 Farmer’s/Artisan Market Special Use Permits which do not relate to health or
555 sanitation within the corporate limits of Volente, Texas shall be guilty of a
556 misdemeanor, and upon conviction shall be fined an amount not exceeding
557 one hundred dollars (\$100.00).

558 B. Any person violating any provision of this section of the Code regulating
559 Farmer’s/Artisan Market Special Use Permits within the corporate limits of
560 the Village of Volente, Texas, that relates to health or sanitation shall be
561 guilty of a misdemeanor and upon conviction shall be fined an amount not
562 exceeding one thousand dollars (\$1,000.00).

563 C. Each day that such violation continues shall be a separate offense.
564 Prosecution or conviction under this provision shall never be a bar to any
565 other remedy or relief for violations of this section of the Code.

566 (12) Relationship to Farmer’s/Artisan Market Rules

567 This section does not prohibit a market from imposing more stringent requirements on
568 its sellers than those imposed by **Section 30.1253** (f).

575 (g) Event Center requiring TABC license or permit for premises: In addition to the general
576 criteria applicable to all special uses, an Event Center requiring TABC license or permit for
577 premises shall be operated and maintained in accordance with the following conditions and
578 limitations:

579 (1) The premises must comply with all requirements applicable to Event Centers;

580 (2) The premises where the alcoholic beverage is proposed to be sold is not located within
581 three hundred feet (300’) of a church or school as measured by State law;

- 582 (3) The premises where the alcoholic beverage is proposed to be sold is not located on
583 property, two or more sides of which abut property in a residential zoning district;
- 584 (4) The permit shall be reviewed administratively and renewed upon evidence that a
585 Texas Alcoholic Beverage Commission permit has been reissued; and
- 586 (5) The City Administrator shall have the authority to cancel any original or renewal
587 permit or license and may refuse to issue any new alcoholic beverage permit or license
588 for the same premises for one year after the date of cancellation as permitted by the
589 Texas Alcoholic Beverage Code.

590

591 (h) Winery. A winery must comply with the following specific criteria and conditions, as well
592 as the foregoing general criteria:

593

594 (1) The winery where the alcoholic beverage is proposed to be sold is not located within
595 three hundred feet (300') of a church or school as measured by State law.

596

597 (2) The winery where the alcoholic beverage is proposed to be produced or sold is not
598 located on property, two or more sides of which abut property in a residential zoning
599 district.

600

601 (3) A winery shall produce no more than 20,000 gallons of wine annually on the
602 permitted premises.

603

604 (4) The quantity of alcoholic beverages produced or bottled off premises purchased by the
605 winery may not exceed 40% by volume of the quantity of alcoholic beverages sold as
606 measured in gallons.

607

608 (5) The permit holder shall prohibit patrons from leaving the licensed premises with an
609 unconsumed alcohol sample or glass of wine.

610

611 (6) A permit holder may offer alcohol samples and glasses of wine in open containers and
612 may provide them to a patron free of charge.

613

614 (7) A permit holder must comply with all state and federal laws and regulations regarding
615 the production and sale of wine.

616

617 (8) A permit holder must submit a report of the activities for a permit renewal on an
618 annual basis that includes the previous 12 months of reports to TABC of alcoholic
619 beverages purchased, alcoholic beverages produced and total sales of alcoholic
620 beverages.

621

622 (9) A valid permit issued by the Texas Alcoholic Beverage Commission for the type of
623 operation has been issued. The permit shall be reviewed administratively and renewed
624 upon evidence that a Texas Alcoholic Beverage Commission permit has been
625 reissued.

626

627 (10) Additional fees are to be collected after three (3) years operation in accordance with
628 the Texas Alcoholic Beverage Commission permit rules.

- 629 (11) The City Administrator may cancel a renewal permit and may refuse to issue any
- 630 renewal permit or license for the same premises for one year after the date of
- 631 cancellation if:
- 632
- 633 (A) the Sheriff of the County in which the premises are located has submitted a
- 634 sworn statement to the City Administrator stating specific allegations that
- 635 the place or manner in which the permittee or licensee conducts its business
- 636 endangers the general welfare, health, peace, morals, or safety of the
- 637 community and further stating that there is a reasonable likelihood that
- 638 such conduct would continue at the same location under another licensee or
- 639 permittee; and,
- 640
- 641 (B) the City Administrator finds, after notice and hearing within the county
- 642 where the premises are located, that the place or manner in which the
- 643 permittee or licensee conducts its business endangers the general welfare,
- 644 health, peace, morals, or safety of the community and that there is a
- 645 reasonable likelihood that such conduct would continue at the same
- 646 location under another licensee or permittee.
- 647
- 648

649 **Sec. 30.1254** **General Requirements for All Special Uses and Temporary Special Uses**

- 650
- 651 (a) Adherence to Approved Plans, Regulations. A special use or a temporary use shall be
- 652 established, operated, and maintained in accordance with the plans, terms, conditions, and
- 653 limitations contained in the permit approved by the City Council.
- 654
- 655 (b) Enforcement. Permitted special uses are integral to the zoning districts governing the
- 656 respective parcels and are subject to the enforcement provisions of **Section 30.300.**
- 657
- 658 (c) Revocation. The City Council, after notice to the holder of the permit, may revoke any
- 659 Special Use or Temporary Use Permit for one or more of the following reasons:
- 660
- 661 (1) A substantial violation of any of the plans, terms, conditions, and limitations
- 662 applicable to the special use;
- 663
- 664 (2) A substantial violation of any applicable ordinance or regulation;
- 665
- 666 (3) Operation or maintenance of the special use in a manner that is detrimental to the
- 667 public's health or safety, or so as to constitute a nuisance; and/or
- 668
- 669 (4) Discontinuance of the use or sale of the property.
- 670
- 671 (5) Transfer of an interest in the real property subject to the special use, whether such
- 672 transfer is by gift, sale, lease, devise, or otherwise.
- 673
- 674 (d) Lapse of Permit. A Special Use Permit shall lapse within one (1) year of the date the permit is
- 675 issued unless the use has commenced or, and is diligently pursued toward completion.
- 676
- 677 (e) Transfer. A Special Use Permit is not transferable.
- 678
- 679 (f) Short-term food sales. No special use authorization for accessory food sales shall be required
- 680 pursuant to this section for the following activities:

- 681
682
683
684
685
686
687
688
689
690
691
692
693
- (1) School or City sponsored activities with a duration less than twenty-four (24) hours;
 - (2) Events not to exceed seventy-two (72) hours associated with the opening of a new retail commercial establishment;
 - (3) Fund-raising activities by charitable and/or non-profit organizations not to exceed twenty-four (24) hours;
 - (4) Activities authorized by a temporary use permit obtained pursuant to **Section 30.1253**